

**ARKANSAS DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION AND RELATED SERVICES  
3.00 CHILD FIND**

**3.01 GENERAL RESPONSIBILITY TO CONDUCT CHILD FIND**

**3.01.1** Each local educational agency is responsible for ensuring that all children with disabilities from birth to twenty-one (21) years within its jurisdiction and in need of special education and related services are identified, located and evaluated, regardless of the severity of their disability, including -

**3.01.1.1** Children with disabilities attending private schools;

**3.01.1.2** Highly mobile children with disabilities (such as migrant and homeless children); and

**3.01.1.3** Children who are suspected of having a disability and need special education even though they are advancing from grade to grade.

**3.01.2** The responsibility of the local educational agency to conduct child find activities extends to identifying, locating and evaluating ~~children attending private schools within~~ private school children with disabilities, including religious-school children residing in the jurisdiction of the local educational agency. The activities undertaken to carry out this responsibility for private school children with disabilities must be comparable to activities undertaken for children with disabilities in public schools.

**3.01.3** Before any major identification, location, or evaluation activity (child find), a notice to parents must be published or announced in newspapers or other media, with local circulation adequate to notify parents throughout the LEA's jurisdiction of the activity.

**3.02 DEVELOPMENT OF PLAN; DOCUMENTATION OF EFFORT**

**3.02.1** Each local educational agency must develop and maintain a written child find plan outlining the systematic and continuous efforts the local educational agency will undertake to meet its responsibilities as described in § 3.01 of these regulations.

**3.02.2** At a minimum, any child find plan must set forth annual child find activities including, but not limited to -

**3.02.2.1** Initiation of a campaign of public awareness; and

**3.02.2.2** Procedures for the conduct of routine school screening.

**3.02.3** The local educational agency shall maintain a written record of the child find plan and documentation of annual child find activities and shall make such

records and documents available for review by staff of the Arkansas Department of Education.

- 3.02.4** It is the responsibility of the local educational agency to maintain a record of all children with disabilities receiving special education and related services from the local educational agency.

### **3.03 CONFIDENTIALITY OF DATA**

The collection and use of data to meet the requirements of this part are subject to the confidentiality requirements of Section 16.00 of these regulations.

Arkansas Department of Education  
Checklist for the Promulgation  
Of Rules

<u>Action</u>	<u>Date</u>
1. Initial policy discussion with SBE (with copy of proposed rule to attorney)	_____
2. Initial review by SBE (with copy of proposed rule to attorney to attorney)	8/11/03
3. Develop fiscal impact statement and financial impact statements	_____
4. Deliver hard copy & disk version to Attorney <i>at least 1 week prior</i> to public comment period	_____
5. File regulation and financial and fiscal impact statements with Secretary of State. NOTE: Must be 35 days prior to final SBE approval.	_____
6. Notice of public hearing published in paper for 3 consecutive days. NOTE: Must be 30 days before SBE approval. <i>Comment period begins on first day of publication</i>	8/14/03
Do Director's Memo with notice and copy of proposed rule	8/19/03
7. File regulation, fiscal and financial impact statements, and summary with ALC. NOTE: Must be 30 days <i>before</i> end of public comment period.	_____
8. Public Hearing	9.3.03
9. Final approval by SBE	_____
10. ALC review of regulation, fiscal and financial impact statements	_____
11. File regulation, fiscal and financial impact statements with SOS, include electronic version	_____
12. File regulation, fiscal and financial impact statements with ALC	_____
13. Copy to State Board Office for filing with State Library`	_____

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH  
THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Arkansas Department of Education  
DIVISION Internal Administration  
DIVISION DIRECTOR Dr. Bobbie Davis  
CONTACT PERSON Marcia Harding, Associate Director, Special Education Unit  
ADDRESS 1401 W. Capitol Avenue, Suite 450, Little Rock, AR 72201  
PHONE NO. 682-2221 FAX NO. 682-5159 E-MAIL mharding@arkedu.k12.ar.us

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire & financial impact statement attached to the front of two (2) copies of your proposed rule and required documents. Mail or deliver to:

Donna K. Davis  
Subcommittee on Administrative Rules and Regulations  
Arkansas Legislative Council  
Bureau of Legislative Research  
Room 315, State Capitol  
Little Rock, AR 72201

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- 1. What is the short title of this rule? **Child Find §3.01.2 General Responsibility to Conduct Child Find Special Education and Related Services: Procedural Requirements and Program Standards**
- 2. What is the subject of the proposed rule? **Clarification of the responsibility of local education agencies to identify, locate and evaluate private school children with disabilities.**
- 3. Is this rule required to comply with federal statute or regulations? Yes ☒ No ☐  
If yes, please provide the federal regulation and/or statute citation.  
**34 Code of Federal Regulations (CFR) §300.125 and §300.451**
- 4. Was this rule filed under the emergency provisions of the Administrative Procedures Act?  
Yes ☐ No ☒  
  
If yes, what is the effective date of the emergency rule?  
  
When does the emergency rule expire?  
  
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes ☐ No ☐

5. Is this a new rule? Yes \_\_\_\_ No **X** If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes\_\_ No **X** If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes **X** No \_\_ If yes, please attach a markup showing the changes in the existing rule and a summary of the substantive changes.

**NOTE: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up." (See Attached Document)**

6. Cite the state law grants the authority for this proposed rule. If codified, please give Arkansas Code citation. **Arkansas Code Annotated §6-41-207(c)**

7. What is the purpose of this proposed rule? Why is it necessary? **The rule is needed to carry out the purpose of the Individuals with Disabilities Education Act.**

8. Will a public hearing be held on this proposed rule? Yes **X** No\_\_  
If yes, please complete the following:

Date: **September 3, 2003**

Time: **10 AM**

Place: **#4 State Capitol Mall, Little Rock, AR 72201**

9. When does the public comment period expire for permanent promulgation? (Must provide a date.) **October 10, 2003**

10. What is the proposed effective date of this proposed rule? (Must provide a date.)  
**November 14, 2003**

11. Do you expect this rule to be controversial? Yes\_\_ No **X**  
If yes, please explain.

12. Please give the names of persons, groups, or organizations that you expect to comment on these rules. Please provide their position (for or against) if known.

**None**

## FINANCIAL IMPACT STATEMENT

DEPARTMENT Arkansas Department of Education  
DIVISION Internal Administration  
PERSON COMPLETING THIS STATEMENT Marcia Harding  
TELEPHONE 501-682-4221 FAX 501-682-5159 EMAIL mharding@arkedu.k12.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

### SHORT TITLE OF THIS RULE

**Child Find §3.01.2 General Responsibility to Conduct Child Find Special Education and Related Services: Procedural Requirements and Program Standards**

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes\_\_\_ No **X**

2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain. **Not Applicable**

3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program. **There is no increase or decrease in cost. It is cost neutral.**

#### Current Fiscal Year

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

#### Next Fiscal Year

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation and explain how they are affected. **Cost neutral; no change.**

#### Current Fiscal Year

\$ \_\_\_\_\_

#### Next Fiscal Year

\$ \_\_\_\_\_

5. What is the total estimated cost by fiscal year to the agency to implement this regulation? **None**

#### Current Fiscal Year

\$ \_\_\_\_\_

#### Next Fiscal Year

\$ \_\_\_\_\_

DEPARTMENT OF EDUCATION  
FISCAL IMPACT STATEMENT OF PROPOSED REGULATION  
(In compliance with Acts 884 and 1253 of 1995)

Regulation Title: **Child Find 3.01.2 General Responsibility to Conduct Child Find Special Education and Related Services: Procedural Requirements and Program Standards**

Summary Description of Regulatory Proposal: **It clarifies the responsibility of local education agencies to identify, locate and evaluate private school children.**

Cite Statutory Authority for this Regulatory Proposal: **34 Codes of Federal Regulations (CFR) §300.125**

- I. Fiscal Impact on the Department: (include whether impacts are non-recurring or recurring) **None**
  - A. Resources Required - Personnel, equipment, office space. **N/A**
  - B. Time Required for Implementation. **N/A**
  - C. Procedural Changes. **N/A**
  - D. Other. **N/A**
- II. Fiscal Impact on Local School District or Others? (Include whether impacts are non-recurring or recurring) **No change in impact. Currently implementing this program.**
  - A. Resources Required - Personnel, equipment, office space.
  - B. Time Required for Implementation.
  - C. Procedural Changes.
  - D. Other.
- III. Additional Comments.

**None**

Prepared by: (Name) Marcia Harding  
(Title) Associate Director, Special Education Unit, ADE  
(Date) July 23, 2003

(The following paragraph should be used in running your advertisement in the newspaper for your public hearing on rules. Replace blanks and italicized language with appropriate information to make the Notice of Rulemaking comply with the purpose of the particular rule that is being implemented. The ad should run consecutively for 3 days.)

## Notice of Rulemaking

Pursuant to Arkansas Code Annotated § 25-15-201 et seq., notice is hereby given that the Arkansas State Board of Education and the Arkansas Department of Education is considering *implementing new additions or proposed revisions (whatever the case may be)* to its Rules. A public hearing will be held on \_\_\_\_\_, 2001 at \_\_\_\_\_ at #4 Capitol Mall, Room \_\_\_\_\_, Little Rock, AR 72201. Written comments should be mailed to the Office of \_\_\_\_\_, at #4 Capitol Mall, Room \_\_\_\_\_, Little Rock, AR 72201. The proposed Rules include, but are not limited to: *Purpose, Definitions, Exemptions, Organization of the Board, Hearing Procedures, License and Permit Requirements, and Fees Schedules (whatever the case may be)*. Copies of the proposed revisions may be obtained at the Arkansas Department of Education, Office of Legal Counsel, #4 Capitol Mall, Room 404-A, Little Rock, AR 72201.